IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT PETITION NO.1309 OF 2006

Smt. Sunita Premkapoor...Petitioner

Vs.

Municipal Corporation of

Greater Mumbai & Anr.....Respondents

Ms. Varsha Palav for the petitioner

Ms. T. Puranik for respondent No.1.

Mr. S.K. Shetty i/b. S.K. Shetty & Associates for

Respondent No.4.

CORAM: **F.I. REBELLO &**

MRS.V.K.TAHILRAMANI, JJ.

DATE: 15TH JUNE,2006

P.C.

. Rule. Heard forthwith. The grievance of the petitioner is that the structure in respect of which notice of demolition has been issued was a pre-existing structure approved by the authorities and in these circumstances no order could have been passed. On the other hand on behalf of the respondent NO.2 learned Counsel points out that no approval was granted as contended by the petitioner. Both parties have produced documentary evidence in support of their contention. Considering the above, in our opinion and considering Section 55 of the M.R.T.P. Act, the ends of justice would be met if

the parties are given an opportunity to put up their case before the Competent Officer. In the light of that the following order:-

. The impugned order dated 24th April, 2006 is quashed and set aside. The matter is remanded back to the Competent Officer. The petitioner and respondents if they wish to file any additional documents to do so within 15 days from today. The Competent Authority based on the material already on record and the additional material which may be filed to take appropriate decision according to law at any rate not later than 15 days from the parties furnishing the additional material to the Competent Authority.

. Rule made absolute accordingly. No order as to costs.

(**F.I. REBELLO, J)**

(**MRS.V.K.TAHILRAMANI, J).**